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**PATENT**

Attorney Docket No.: 388076

Express Mail Label No.: EL656245133US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Robert D. Frey et al.

Serial No.: 09/582,806

Group No.:

Filed: June 30, 2000

Examiner:

For: HUMAN MOTION FOLLOWING  
COMPUTER MOUSE AND GAME CON-  
TROLLERBOX: MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Adjustment date: 03/26/2001 HNGUYEN  
02/22/2001 BFRIDIE 00000002 120600 09582806  
01 FC:228 945.00 CR**SUPPLEMENTAL RESPONSE TO  
NOTIFICATION OF MISSING REQUIREMENTS  
AND REQUEST FOR EXTENSION OF TIME**

Further to the response filed January 11, 2001, to the Notification of Missing Requirements under 35 U.S.C. 371 dated August 11, 2000, Applicants hereby submit a copy of said Notification of Missing Requirements.

The Commissioner is hereby authorized, pursuant to 37 C.F.R. 1.136(a)(3), to treat this, any concurrent, or future reply requiring a petition for extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. Further, the

02/22/2001 BFRIDIE 00000002 120600 09582806

01 FC:228 Commissioner is hereby authorized to charge any required extension fees under Section 1.17 to

Deposit Account No. 12-0600.



**PATENT**

Attorney Docket No.: 388076

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Respectfully submitted,

Date: Feb. 9, 2001

By Thomas Swenson

Thomas Swenson, Reg. No. 36,696

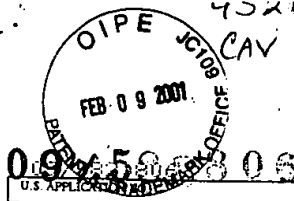
LATHROP & GAGE, L.C.

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Boulder, Colorado 80301

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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

AUG 18 2000

DUFT, GRAZIANO &  
FOREST, PC.

U.S. APPLICATION NO. 0.945.006 FREY FIRST NAMED APPLICANT R ATTY. DOCKET NO.

024283

5611

DUFT, GRAZIANO & FOREST, PC  
PO BOX 270930  
LOUISVILLE CO 80027

INTERNATIONAL APPLICATION NO. PCT/US99/00056

I.A. FILING DATE

PRIORITY DATE

01/04/99

01/04/98

DATE MAILED:

08/11/00

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),☒ an Elected Office (37 CFR 1.495):☒ U.S. Basic National Fee.☒ Copy of the international application in:☐ a non-English language.☒ English.☐ Translation of the international application into English.☒ Oath or Declaration of inventors(s) for DO/EO/US.☐ Copy of Article 19 amendments.☐ Translation of Article 19 amendments into English.☒ The International Preliminary Examination Report in English and its Annexes, if any.☐ Translation of Annexes to the International Preliminary Examination Report into English.☒ Preliminary amendment(s) filed 30 JUN 2000 and☒ Information Disclosure Statement(s) filed 30 JUN 2000 and☐ Assignment document.☐ Power of Attorney and/or Change of Address.☐ Substitute specification filed☒ Verified Statement Claiming Small Entity Status.☐ Priority Document.☒ Copy of the International Search Report ☐ and copies of the references cited therein.☐ Other:Due Date: 9/11/00Statutory Deadline: 2/11/01Date Docketed: 8/18/00Docketed by: EW

Sec: \_\_\_\_\_

Atty: \_\_\_\_\_

DOCKETED  
By: EW Date: 11/21/00

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

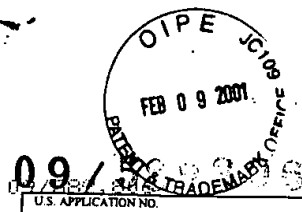
**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☒ PCT/DO/EO/917☐ Notice of Defective Translation☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: 703. \_\_\_\_\_



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO. 024283		FIRST NAMED APPLICANT DUFT, GRAZIANO & FOREST, PC	ATTY. DOCKET NO. 5611
INTERNATIONAL APPLICATION NO. PCT/US98/08986			
I.A. FILING DATE 11/11/99		PRIORITY DATE 08/11/00	

DATE MAILED:

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Telephone: 703 305-7000



#3

PATENT

Atty Docket No.: 388076

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert D. Frey et al.  
Serial No. 09/582,806  
Filed: June 30, 2000  
For: HUMAN MOTION FOLLOWING  
COMPUTER MOUSE AND  
GAME CONTROLLER

Group Art Unit:

Examiner:

Commissioner for Patents  
Washington, D.C. 20231

## REQUEST TO AMEND ATTORNEY DOCKET NUMBER

Applicants hereby request the following amendment to the Attorney Docket No. in the above-identified patent application:

Please delete "4521/001 (388076)" and substitute "388076" therefor.

Respectfully submitted,

Date:

Feb. 9, 2001

By:

Thomas Swenson  
Thomas Swenson, Reg. No. 36,696  
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Boulder, Colorado 80301  
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TYPE JC109  
FEB 09 2001  
PATENT & TRADEMARK OFFICE

JC06 Rec'd PCT/PTO 09 FEB 2001  
PCT/PTO #13

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Matter No.
Applicant(s): Darin S. Olson et al.			388076
Serial No.	Filing Date	Examiner	Group Art Unit
09/582,806	June 30, 2000		
Invention: HUMAN MOTION FOLLOWING COMPUTER MOUSE AND GAME CONTROLLER			
<p>I hereby certify that the following documents: Supplemental Response to Notification of Missing Requirements and Request for Extension of Time; Request to Amend Attorney Docket Number; and return postcard, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this <u>9th</u> day of February, 2001.</p>			
<p><u>NANCY HALAS</u> Name of Depositor</p>			
<p><u>Nancy Halas</u> Signature of Depositor</p>			
<p><u>EL656245133US</u> Express Mail Label No.</p>			